

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DAVID M. KASS,

Plaintiff,

vs.

**ROBERT P. HOUSTON, Director,
Nebraska Department of Corrections,**

Defendant.

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8:11CV426

ORDER

This matter is before the court *sua sponte*, and pursuant to [NECivR 41.2](#), which states in pertinent part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.” In this case the complaint was filed on December 13, 2011. **See** [Filing No. 1](#). The plaintiff filed notice of executing a summons on the defendant on June 1, 2012. **See** Filing No. [8](#). No other progress has taken place in this matter. It remains the plaintiff’s duty to go forward in prosecuting the case by, for example, filing a motion for clerk’s entry of default pursuant to [Fed. R. Civ. P. 55](#) and [NECivR 55.1\(a\)](#), as appropriate. Upon consideration,

IT IS ORDERED:

The plaintiff has until the close of business **on August 6, 2012**, to file a motion for clerk’s entry of default or show cause why this case should not be dismissed for failure to prosecute.

Dated this 16th day of July, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge